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APPLE INC.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

23 ZOMM, LLC,

24 Plaintiff,

25 v.

26 APPLE INC.,

27 Defendant.

Case No. 4:18-cv-04969-HSG

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO EXTEND
DEADLINE TO FILE STIPULATED
PROTECTIVE ORDER AND ESI
STIPULATION**

Judge: Haywood S. Gilliam, Jr.

1 Pursuant to Civil L. R. 6-1, 6-2, and 7-12, Plaintiff Zomm LLC ("Zomm") and Defendant
2 Apple Inc. ("Apple") hereby stipulate and request, by and through their undersigned counsel and
3 subject to the Court's approval, to extend the deadline to file a Stipulated Protective Order to
4 January 25, 2019, and to file an ESI Stipulation to January 18, 2019.

5 WHEREAS, pursuant to the Court's November 27, 2018 Order (Dkt. 47), the Parties are
6 required to file an ESI Stipulation and Stipulated Protective Order by January 11, 2019;

7 WHEREAS, the Parties have met and conferred and are continuing to negotiate in good
8 faith regarding the terms of the Stipulated Protective Order and the ESI Stipulation;

9 WHEREAS, the Parties believe that they could make further progress towards reaching
10 agreement on the outstanding disputes on the terms of the Stipulated Protective Order and the ESI
11 Stipulation with additional time to continue their meet and confer discussions;

12 WHEREAS, the Parties agree to extend the deadline to file the Stipulated Protective Order
13 and the ESI Stipulation in the hope that they can reach agreement on the Stipulated Protective
14 Order and the ESI Stipulation; and

15 WHEREAS, the Parties have requested only one modification of time in the case related
16 to the briefing schedule for Apple's Motion to Dismiss Plaintiff's Non-Patent Causes of Action
17 and Stay Plaintiff's Patent Cause of Action (Dkt. 45) to account for the holidays (Dkt. 51), which
18 was granted by the Court on December 17, 2018 (Dkt. 53); and

19 WHEREAS, the modification requested herein will not affect any other scheduled dates or
20 events in this action.

21 It is hereby STIPULATED AND AGREED, by and between the Parties, subject to the
22 approval of the Court, as follows:

- 23 (1) The Parties will file a Stipulated Protective Order, including an identification of
24 any outstanding disputes regarding its terms, no later than January 25, 2019; and
25 (2) The Parties will file an ESI Stipulation, including an identification of any
26 outstanding disputes regarding its terms, no later than January 18, 2019.

1 Pursuant to Civil L.R. 6-2(a), this stipulation is supported by the concurrently filed
2 Declaration of Luann L. Simmons.

3 IT IS SO STIPULATED.

4 Dated: January 08, 2019

KELLEY DRYE AND WARREN LLP

6 By: /s/ Michael J. Zinna

7 Michael J. Zinna
8 Attorneys for Plaintiff
ZOMM, INC.

9 Dated: January 08, 2019

O'MELVENY & MYERS LLP

11 By: /s/ Luann L. Simmons

12 Luann L. Simmons
13 Attorneys for Defendant
APPLE INC.

14
15 **CERTIFICATE OF SERVICE**

16 I certify that all counsel of record is being served on January 08, 2019, with a copy of this
17 document via the Court's CM/ECF system.

18 /s/ Luann L. Simmons

19 Luann L. Simmons

20
21 **FILER'S ATTESTATION**

22 Pursuant to Local Rule 5-1(i)(3), I hereby attest that the other signatory listed, on whose
23 behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

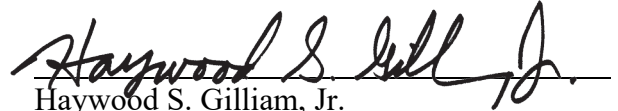
24 /s/ Luann L. Simmons

25 Luann L. Simmons

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January __9__, 2019


Haywood S. Gilliam, Jr.
United States District Court Judge